

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JACQUELINE CADDICK,

Plaintiff,

-against-

PERSONNEL CO. I LLC, and GAIL GOLDEN
ICAHN,

Defendant.

Index No. 1:16-cv-07326-ALC

**DECLARATION OF ELI Z.
FREEDBERG IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S SECOND AMENDED
COMPLAINT**

I, Eli Z. Freedberg, hereby declare and state:

1. I am a shareholder of the law firm of Littler Mendelson, P.C., attorneys for Defendants in the above-captioned action. I have personal knowledge of the facts set forth below and could testify competently thereto, if necessary. I make this declaration in support of Defendants' motion to dismiss Plaintiff's second amended complaint.

2. On or about October 22, 2015, Plaintiff dual-filed two charges of discrimination with the New York State Division of Human Rights ("NYSDHR") and the Equal Employment Opportunity Commission ("EEOC"). A true and correct copy of the Charge is attached hereto as Ex. A.

3. On April 6, 2016, the NYSDHR dismissed Plaintiff's charge for lack of jurisdiction. A true and correct copy of the NYSDHR's Determination and Order of Dismissal for Lack of Jurisdiction is attached hereto as Ex. B.

4. The EEOC adopted the NYSDHR's findings and issued a Dismissal and Notice of Rights on June 23, 2016. A true and correct copy of the EEOC's Dismissal and Notice of Rights is attached hereto as Ex. C.

5. Plaintiff filed this action on September 20, 2016, by submitting a request to proceed *in forma pauperis*. A true and correct copy of Plaintiff's request to proceed *in forma pauperis* is attached hereto as Ex. D.

6. On October 19, 2016, this Court issued an order, *sua sponte*, that required Plaintiff to amend her complaint given her failure to allege facts that were sufficient to state a claim for gender or national origin discrimination. A true and correct copy of the October 19, 2016 Order to Amend is attached hereto as Ex. E.

7. Pursuant to that order, Plaintiff filed an amended complaint solely against Personnel. A true and correct copy of Plaintiff's September 20, 2016 Complaint is attached hereto as Ex. F.

8. On July 21, 2017, Plaintiff filed a Second Amended Complaint ("SAC") against Personnel and Mrs. Icahn. A true and correct copy of the SAC is attached hereto as Ex. G.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 11th day of October, 2017 in New York, New York.

/s/ Eli Z. Freedberg
Eli Z. Freedberg